

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,
Plaintiff,

v.

JACOB M. MCCLANAHAN,
Defendant.

Case No. 19–CR–40049–JPG

ORDER

This is a closed criminal case. Before the Court is the Government’s Motion for Order of Finding of No Third-Party Interests. (ECF No. 44). For the reasons below, the Court **GRANTS** the Government’s Motion.

In July 2020, Defendant Jacob M. McClanahan pleaded guilty to receiving child pornography. (Judgment at 1, ECF No. 40). In doing so, he also forfeited his interest in “[a] black, Acer desktop computer tower, serial number DTSUWAA00241801DF53000.” (*Id.* at 7). The Government then filed a Declaration of Publication: A public notice of the Government’s intent and dispose of the computer tower. (Declaration at 1, ECF No. 43-1). The notice was also published on an official government website, www.forfeiture.gov. (Motion at 1). Over 30 days passed, and no one asserted a legal interest in the property. (*Id.*).

“Following the entry of an order of forfeiture . . . , the United States shall publish notice of the order and of its intent to dispose of the property in such a manner as the Attorney General may direct.” 21 U.S.C. § 853(n)(1). “Any person, other than the defendant, asserting a legal interest in the property which has been forfeited to the United States . . . may, within thirty days of the final publication of notice . . . , petition the court for a hearing to adjudicate the validity of his alleged interest in the property.” *Id.* § 853(n)(2). “[I]f not such petitions are filed,” then “the United States

shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.” *Id.* § 853(n)(7).

The Court finds that no third-party petitions were filed and that the United States has clear title to the “black, Acer desktop computer tower, serial number DTSUWAA00241801DF53000.” The Court therefore **GRANTS** the Government’s Motion and **ORDERS** the United States Marshal or the proper custodian for the Federal Bureau of Investigation to dispose of it according to law.

IT IS SO ORDERED.

Dated: Friday, April 2, 2021

S/J. Phil Gilbert
J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE